

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PALDO SIGN AND DISPLAY COMPANY,)
individually and as the representative of a)
class of similarly-situated persons,)

Plaintiff,)

vs.)

Case No.: _____

UNITED MARKETING, LLC, UNITED)
VENDING AND MARKETING, INC.,)
SUNRISE MARKETING & VENDING,)
INC., GLOBAL VENDING SERVICES, INC.,)
MATTHEW A. CAPICCHIONI a/k/a MATT)
CAPI, NICHOLAS G. CHOMAKOS a/k/a)
NICK CHOMA, LAURA E. CHOMAKOS,)
ACCELERO COMMUNICATIONS, INC.,)
DIGITALSPEED COMMUNICATIONS,)
INC., J2 GLOBAL, INC., J2 GLOBAL)
CANADA, INC., SLINGSHOT)
TECHNOLOGIES CORPORATION, TYLER)
EYAMIE, and JOHN DOES 1-10,)

[28 U.S.C. §§ 1331, 1367, 1441(b)]

Defendants.)

NOTICE OF REMOVAL

COMES NOW Defendant Tyler Eyamie (“Eyamie”), appearing specially to contest personal jurisdiction, and hereby gives notice of the removal of this action from the Circuit Court of Lake County, Illinois, to the United States District Court of the Northern District of Illinois, pursuant to 28 U.S.C. § 1441.

1. On March 19, 2012, Plaintiff filed this action in the Circuit Court of Lake County, Illinois, Case No. 12 CH 1346.

2. On January 18, 2013, Plaintiff filed its First Amended Class Action Complaint (“Amended Complaint”), naming additional Defendants, including Eyamie.

3. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the state court case file is attached hereto as **Exhibit 1** and incorporated herein by reference. Exhibit 1 includes all process, pleadings, and orders filed in this case.

4. Eyamie was served with the Amended Complaint and Summons on Saturday, February 9, 2013.

5. This Notice of Removal was timely filed. See 28 U.S.C. § 1446(b)(2) (stating that each defendant has 30 days after receipt by or service on that defendant of the initial pleading or summons to file a notice of removal).

6. Neither Eyamie nor his attorneys have entered an appearance, filed any responsive pleadings, or filed any papers responding to Plaintiff's Amended Complaint in the Circuit Court.

7. This Notice of Removal is being filed in the United States District Court for the district in which the action is currently pending pursuant to 28 U.S.C. § 1441(a).

8. This action may be removed to this Court because federal question jurisdiction exists over this dispute pursuant to 28 U.S.C. § 1331.

9. Plaintiff alleges violations of the federal Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, in Count I of the Amended Complaint. The United States Supreme Court has unanimously held that federal courts have federal-question jurisdiction over private TCPA suits. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740 (2012). Therefore, this action is one over which this Court has original jurisdiction under § 1331 and is one which may be removed by Eyamie pursuant to 28 U.S.C. § 1441.

10. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a) because these claims arise out of the same case or controversy.

11. Eyamie will promptly give written notice of the filing of this Notice of Removal to all parties, and a copy of this Notice will be filed with the Clerk of the Circuit Court of Lake County, Illinois, as required by 28 U.S.C. § 1446(d).

12. As demonstrated by their signatures below, all served Defendants consent to and support the removal of this action.

WHEREFORE, Defendant Tyler Eyamie hereby removes this proceeding from the Circuit Court of Lake County, Illinois, to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and requests that this Court take jurisdiction of this civil action to the exclusion of any further proceedings in state court.

Dated: March 11, 2013

Respectfully Submitted,

GREENSFELDER, HEMKER & GALE, P.C.

By /s/ Patrick M. Jones

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St. Louis, Missouri 63102
Telephone: (314) 241-9090
Facsimile: (314) 241-8624

*Upon application for general admission

Attorneys for Defendants Tyler Eyamie

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Notice was mailed via U.S. Mail, postage prepaid, on the 11th day of March, 2013, to:

Brian J. Wanca
Ryan M. Kelly
Anderson + Wanca
3701 Algonquin Road, Suite 760
Rolling Meadows, Illinois 60008
Attorneys for Plaintiff

Unified Marketing, LLC
c/o Laura E. Chomakos
10322 Blue Claws Lane
Las Vegas, Nevada 89135
Defendant

United Vending and Marketing, Inc.
c/o Nicholas G. Chomakos
10322 Blue Claws Lane
Las Vegas, Nevada 89135
Defendant

Sunrise Marketing & Vending, Inc.
c/o Nicholas G. Chomakos
10322 Blue Claws Lane
Las Vegas, Nevada 89135
Defendant

Global Vending Services, Inc.
c/o Matthew A. Capicchioni
55557 Monroe Drive
Shelby Township, Michigan 48316
Defendant

Matthew A. Capicchioni
55557 Monroe Drive
Shelby Township, Michigan 48316
Defendant

Nicholas G. Chomakos
10322 Blue Claws Lane
Las Vegas, Nevada 89135
Defendant

Laura E. Chomakos
10322 Blue Claws Lane
Las Vegas, Nevada 89135
Defendant

Accelero Communications, Inc,
c/o Aaagent Services, LLC
125 Locust Street
Harrisburg, Pennsylvania 17101
Defendant

Digitalspeed Communications, Inc.
c/o Stephen Schurer, President
Co Management Inc.
1628 JFK Blvd, Ste 2300
Philadelphia, Pennsylvania 19103-51
Defendant

Slingshot Technologies Corporation
c/o Adam Pasternack, President
2400 Market Street SU
Philadelphia, Pennsylvania 19103-51
Defendant

I also certify that a copy of the above and foregoing Notice was mailed via electronic mail on the 11th day of March, 2013, to:

j2 Global, Inc.
6922 Hollywood Boulevard
Hollywood, California 90028
Defendant

j2 Global Canada, Inc.
2379 Holly Lane, Suite 210
Ottawa, Ontario K1V 7P2
Defendant

/s/ Patrick M. Jones

CONSENT TO REMOVAL

The following served Defendants consent to and support the removal of this action from the Circuit Court of the 19th Judicial District, Lake County, Illinois, to the United States District Court of the Northern District of Illinois:

UNIFIED MARKETING, LLC

By: Laura E. Chomakos

3/8/13 UNITED VENDING & MARKETING, INC.

By: Nicholas G. Chomakos

SUNRISE MARKETING & VENDING, INC.

By: Nicholas G. Chomakos

GLOBAL VENDING SERVICES, INC.

By: Matthew A. Capicchioni

MATTHEW A. CAPICCHIONI

Matthew A. Capicchioni

NICHOLAS G. CHOMAKOS

Nicholas G. Chomakos

LAURA E. CHOMAKOS

Laura E. Chomakos

CONSENT TO REMOVAL

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UNIFIED MARKETING, LLC

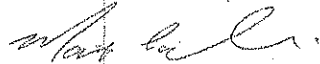
UNITED VENDING & MARKETING,
INC.

By: Laura E. Chomakos

By: Nicholas G. Chomakos

SUNRISE MARKETING & VENDING,
INC.

GLOBAL VENDING SERVICES, INC.



By: Nicholas G. Chomakos

By: Matthew A. Capicchioni

MATTHEW A. CAPICCHIONI

NICHOLAS G. CHOMAKOS



Matthew A. Capicchioni

Nicholas G. Chomakos

LAURA E. CHOMAKOS

Laura E. Chomakos

CONSENT TO REMOVAL

The following Defendant, which was served in this action on March 8, 2013, consents to the removal of this action from the Circuit Court of the 19th Judicial District, Lake County, Illinois, to the United States District Court for the Northern District of Illinois, without waiving any argument regarding whether either Court has personal jurisdiction over it:

j2 Global Canada, Inc., carrying on business as
Protus IP Solutions.


By: Jeffrey D. Adelman